

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MARK SHANNON WHEELER, #139004, )

Plaintiff, )

v. )

CIVIL ACTION NO. 2:06-CV-274-MHT

BILL SEGREST, )

Defendant. )

**ORDER**

On December 13, 2006, the Clerk erroneously accepted and filed a motion for final judgment submitted by the plaintiff. *Court Doc. No. 72*. This motion is not properly before the court as it was submitted without permission of the court. *Order of April 21, 2006 - Court Doc. No. 4* at 2 (“No motion for summary judgment, motion to dismiss or any other dispositive motions . . . may be filed by any party without permission of the court.”). The aforementioned order further directed that “[i]f any pleading denominated as a . . . dispositive motion is sent to the court [without the requisite permission having been granted], the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.” *Id.* Accordingly, it is

ORDERED that the motion for final judgment filed by the plaintiff on December 13, 2006 (*Court Doc. No. 72*) be stricken from the file and returned to the plaintiff for non-compliance with the order of April 21, 2006.

The plaintiff is advised that this case remains pending before the court on his complaint, the written reports and supporting evidentiary materials filed by the defendant, and his responses in opposition to the defendant's reports. The plaintiff is further advised that *no additional pleadings are necessary for disposition of the issues presented in the complaint*, disposition of his claims will be undertaken in due course in accordance with the standing policies of the court, and he will immediately be advised of any action taken in this case.

Done this 14th day of December, 2006.

/s/ Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE